

Serial No. 10/024,296

Docket No. P-0302

Amendment dated January 24, 2006

Reply to Office Action of October 24, 2005

REMARKS

By the present response, Applicants have canceled claims 9-14 without disclaimer. Further, Applicant has amended claims 3, 5, 7, 8, 15, 17 and 19-23 to further clarify the invention. Applicants have submitted new claim 24 for consideration by the Examiner. Claims 3-8 and 15-24 remain pending in the present application.

In the Office Action, claims 3 and 5-23 have been rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 6,377,818 (Irube et al.).

35 U.S.C. 102 Rejections

Claims 3 and 5-23 have been rejected under 35 U.S.C. § 102(e) as being anticipated by Irube et al. Applicants respectfully traverse these rejections.

Regarding claims 3, 15 and 21, Applicants submit that Irube et al. does not disclose or suggest the limitations in the combination of each of these claims of, *inter alia*, receiving an originating message and judging by the destination terminal whether there is an origination continuation message information in the originating message, or determining whether a distinguishing function is set active in the destination terminal, or distinguishing whether a call associated with the originating message is a video call or a voice call based on the sub-address if the distinguishing function is set and if an origination continuation message transmitted after the originating message is received at the destination terminal, or connecting a destination terminal to the call using a communication medium based on the sub-address in the originating message

if the distinguishing function is set and the originating message includes the originating continuation message information, or connecting the destination terminal to the call using a voice medium, if the distinguishing function is not set or the originating message does not include the origination continuation message information.

The Examiner asserts that Irube et al. discloses the limitations in Applicants' claims in the abstract, col. 16, lines 43-58, col. 17, lines 45-60, and col. 18, lines 15-29. However, these portions merely disclose that a communication type information and data communication is appended to a call control message upon connecting a channel in a non-limited digital communication mode where a sub-address or called number is contained in the call control message, details of figure 11 regarding determining whether it is voice communication and thus performing voice communication processing, or audio communication and performing audio communication processing, or neither of these and therefore performing non-limited digital communication processing, and that an originating terminal places a call by setting the non-limited digital mode as transmission performance in its call setup message, and appending call type information indicating a multimedia communication to a predetermined field of an inter-user information message that can be contained in the call setup message.

These portions do not disclose or suggest judging by the destination terminal whether there is an origination continuation message information in the originating message, as recited in the claims of the present application. Further, these portions do not disclose or suggest anything

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related to determining whether a distinguishing function is set active in the destination terminal.

These portions of Irube et al. merely relate to functions of the combined communication terminal apparatus where communication type information is appended to a call control message, and where processing is based on whether it is voice communication, audio communication or non-limited digital communication. In contrast, the limitations in the claims of the present application relate to a destination terminal determining whether a distinguishing function is set active. Thus, the call is distinguished as to whether being a video call or a voice call based on the sub-address if the distinguishing function is set. Irube et al. does not disclose or suggest a distinguishing function in the destination terminal, as recited in the claims of the present application.

Applicants remind that Examiner that for a valid § 102 rejection, the Examiner must specifically point out where in the cited reference each and every limitation in the claims of the present application is disclosed or suggested.

Moreover, Irube et al. does not disclose or suggest connecting the call as the voice call or the video call, between the origination terminal and the destination terminal in accordance with the sub-address if the origination continuation message is received and the distinguishing function is set. Irube merely discloses receiving the call sub request and processing the call based on the type of request. In this regard, the communication terminal apparatus of Irube et al. is capable of handling video/voice communications all in one housing.

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Regarding claims 5-8, 16-20 and 22-24, Applicants submit that these claims are dependent on one of independent claims 3, 15 and 21, and, therefore, are patentable at least for the same reasons noted previously regarding these independent claims.

Accordingly, Applicants submit that Irube et al. does not disclose or suggest the limitations in the combination of each of claims 3-8 and 15-24 of the present application. Applicants respectfully request that these rejections be withdrawn and that these claims be allowed.

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CONCLUSION

In view of the foregoing Amendments and remarks, Applicants submit that claims 3-8 and 15-24 are now in condition for allowance. Accordingly, early allowance of such claims is respectfully requested. If the Examiner believes that any additional changes would place the application in better condition for allowance, the Examiner is invited to contact the undersigned, Frederick D. Bailey, at the telephone number listed below.

To the extent necessary, a petition for an extension of time under 37 C.F.R. 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this, concurrent and future replies, including extension of time fees, to Deposit Account 16-0607 and please credit any excess fees to such deposit account.

Respectfully submitted,
FLESHNER & KIM, LLP



Daniel Y.J. Kim
Registration No. 36,186
Frederick D. Bailey
Registration No. 42,282

P.O. Box 221200
Chantilly, Virginia 20153-1200
703 766-3701 DYK/FDB:tlg

Date: January 24, 2006

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Please direct all correspondence to Customer Number 34610